

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER:

MARIA DE LOS A. NIEVES HERNANDEZ

Debtor(s)

FIRSTBANK PUERTO RICO
Movant

CASE NO.: 22-01310 (MCF)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.
2. Debtor filed a bankruptcy case under chapter 13 back on May 9, 2022. See, Dck 1.
3. MOVANT, standing to address this court is ascertained as it filed an unsecured claim to a personal loan for \$3,294.78. See, Clm 1.
4. As of to June 1, 2023, debtor(s) already had the following installments owed to the chapter 13 Trustee: \$600.00, for two (2) months in arrears. See, Attachment A.
5. Under the terms of the confirmed plan dated June 6, 2022, debtor(s) should have started to make continues payments since June 9, 2022, and as evidenced herein, the debtor(s) have failed to do so. See, Dck 1 and 13.
6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment B.

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on ~~Unreasonable delay by debtor that is prejudicial to Creditors, (5) denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan~~, 11 USC §1326 (a) (1) Unless

the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, and (6) on Material default by the debtor with respect to a term of a confirmed plan, and Title 11 USC §1324 (b) on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on June 3, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) FRANCISCO J RAMOS GONZALEZ, and to debtor(s) by regular mail at the address on record, MARIA DE LOS ANGELES NIEVES HERNANDEZ, at CANELA ST, PASEOS DE CEIBA 38, CEIBA, PUERTO RICO 00735.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz – US – DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor – Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
PO Box 9146, San Juan, PR 00908-0146
maria.benabe@firstbankpr.com
(787)729-8135 / (787)729-8276 / [Rev.10/2019]

FIRSTBANK

Analysis Sheet to Determine Arrears to Trustee

In Re : María A. Nieves Hernández

Case Number : 22-01310 MCF / AOR

Account Number : 6410 (Préstamo Personal)

Date of File : 01/17/22

Amount of Proof of Claim : 3,294.78

Plan : 300 × 60 (18,000)

Monthly Payment of : 300

Pass term : 16

Total paid into plan : 4,200.00

Should have paid in : 4,800.00

Amount in Arrears : 600.00 (2 ARREARS)

Printed on : 06/01/2023

Prepared by : Marisol Matos

Attachment A

PRINT INQUIRY

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22-01310-MCF	MARIA DE LOS ANGELES NIEVES HERNANDEZ	\$450.00 MO	Bar Date(s):	7/18/2022 (has passed) 11/7/2022 (has passed)
			Confirmed:	7/11/2022
Trustee: ALEJANDRO OLIVERAS RIVERA		Attorney: FRANCISCO J RAMOS GONZALEZ*	Case Status:	ACTIVE-1ST AUDIT

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
6/8/2022	30.00	\$450.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	
12/8/2024	30.00	\$650.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	
6/8/2027	end of plan	\$0.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	

Forgive Information

Date	Amount	Description

Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	6/8/2022	7/7/2022	\$450.00	\$450.00
2	7/8/2022	8/7/2022	\$450.00	\$900.00
3	8/8/2022	9/7/2022	\$450.00	\$1,350.00
4	9/8/2022	10/7/2022	\$450.00	\$1,800.00
5	10/8/2022	11/7/2022	\$450.00	\$2,250.00
6	11/8/2022	12/7/2022	\$450.00	\$2,700.00
7	12/8/2022	1/7/2023	\$450.00	\$3,150.00
8	1/8/2023	2/7/2023	\$450.00	\$3,600.00
9	2/8/2023	3/7/2023	\$450.00	\$4,050.00
10	3/8/2023	4/7/2023	\$450.00	\$4,500.00
11	4/8/2023	5/7/2023	\$450.00	\$4,950.00
12	5/8/2023	6/7/2023	\$450.00	\$5,400.00
13	6/8/2023	7/7/2023	\$450.00	\$5,850.00
14	7/8/2023	8/7/2023	\$450.00	\$6,300.00
15	8/8/2023	9/7/2023	\$450.00	\$6,750.00
16	9/8/2023	10/7/2023	\$450.00	\$7,200.00
17	10/8/2023	11/7/2023	\$450.00	\$7,650.00
18	11/8/2023	12/7/2023	\$450.00	\$8,100.00
19	12/8/2023	1/7/2024	\$450.00	\$8,550.00
20	1/8/2024	2/7/2024	\$450.00	\$9,000.00
21	2/8/2024	3/7/2024	\$450.00	\$9,450.00
22	3/8/2024	4/7/2024	\$450.00	\$9,900.00
23	4/8/2024	5/7/2024	\$450.00	\$10,350.00
24	5/8/2024	6/7/2024	\$450.00	\$10,800.00
25	6/8/2024	7/7/2024	\$450.00	\$11,250.00
26	7/8/2024	8/7/2024	\$450.00	\$11,700.00
27	8/8/2024	9/7/2024	\$450.00	\$12,150.00
28	9/8/2024	10/7/2024	\$450.00	\$12,600.00
29	10/8/2024	11/7/2024	\$450.00	\$13,050.00
30	11/8/2024	12/7/2024	\$450.00	\$13,500.00
Total				\$13,500.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/8/2024	1/7/2025	\$650.00	\$650.00
2	1/8/2025	2/7/2025	\$650.00	\$1,300.00
3	2/8/2025	3/7/2025	\$650.00	\$1,950.00
4	3/8/2025	4/7/2025	\$650.00	\$2,600.00
5	4/8/2025	5/7/2025	\$650.00	\$3,250.00
Total				\$3,250.00

Payments Expected for Step 3:

Period	Start Date	End Date	Payment Amount Expected	Total
1	6/8/2027	7/7/2027	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	6/2022	\$450.00	\$450.00		\$0.00
2	7/2022	\$450.00	\$450.00		\$0.00
3	8/2022	\$450.00	\$450.00		\$0.00
4	9/2022	\$450.00			\$450.00
5	10/2022	\$450.00	\$450.00		\$450.00
6	11/2022	\$450.00			\$900.00
7	12/2022	\$450.00	\$900.00		\$450.00
8	1/2023	\$450.00	\$450.00		\$450.00
9	2/2023	\$450.00	\$450.00		\$450.00
10	3/2023	\$450.00	\$450.00		\$450.00
11	4/2023	\$450.00	\$450.00		\$450.00
12	5/2023	\$450.00			\$900.00
13	6/2023				\$900.00

Total Delinquent Amount: \$900.00



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-6383
 Birth Date: Oct-XX-1982
 Last Name: NIEVES HERNANDEZ
 First Name: MARIA
 Middle Name: DE LOS ANGELES
 Status As Of: Jun-05-2023
 Certificate ID: 9Q4Z1W60G2GJBPF

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

Label Matrix for local noticing

0104-3

Case 22-01310-MCF13

District of Puerto Rico

Old San Juan

Thu Jun 1 10:44:14 AST 2023

US Bankruptcy Court District of P.R.

Jose V Toledo Fed Bldg & US Courthouse

300 Recinto Sur Street, Room 109

San Juan, PR 00901-1964

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c/o SARLAW LLC

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(p)DE DIEGO LAW OFFICE PSC

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BANCO POPULAR DE PR

PO BOX 3229

SAN JUAN, PR 00936-0000

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BANKRUPTCY DEPARTMENT

PO BOX 366818

SAN JUAN PR 00936-6818

CAPITAL ONE WALMART

P.O. BOX 31293

SALT LAKE CITY, UT 84131-0293

Capital One Bank (USA), N.A.

by American InfoSource as agent

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Charlotte, NC 28272-1083

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SAINT CLOUD MN 56302-7999

(p)LUMA ENERGY

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PO BOX 364267

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Resurgent Capital Services

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Midland Credit Management, Inc.

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ORLANDO, FL 32896-5005

Quantum3 Group LLC as agent for

Sadino Funding LLC

PO Box 788

Kirkland, WA 98083-0788

SYNC/PAYPAL MASTER CARD

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End of Label Matrix	
Mailable recipients	26
Bypassed recipients	0
Total	26